

REMARKS

Claim 54 has been amended to fix a clerical error. The amendment adds no new matter. Claims 1-35, 37-73, and 75-82 remain pending in this application.

Rejections under 35 U.S.C. § 102/103

The Office Action dated March 15, 2004 rejected claims 1-5, 7-10, 12-14, 19-25, 27-29, 33-34, 40-48, 50-53, 57-63, 65-67, 72-72 and 78-82 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,578,066 to Logan (referred to herein as "Logan").

The present invention relates to methods and apparatus for redirecting network traffic to a selected traffic handling system, such as a cache system. Claim 1 in particular recites "a method of facilitating redirection of traffic sent from a first processing device to a second processing device", "a third processing device associated with a plurality of traffic handling systems", and "determining how to redirect data received by the third processing device"

Logan describes a distributed server system that provides web pages from switches having identical data storage. The system includes multiple servers that redundantly provide content (e.g. hosting by an Internet web site) in the event that one server fails or based on geographic preference.

The distributed server system of Logan does not teach or suggest the claimed invention. Importantly, the Office Action dated March 15, 2003 fails to disclose how the distributed server system of Logan teaches limitations recited in the independent claims. The Office Action has omitted meaningful citations of the Logan specification to support anticipation. For example, with respect to claim 1 limitations (i.e., "the first processing device ... a second processing device ... a third processing device"), the Office Action merely refers to FIG. 1 and a paragraph that lists a client 102, the internet 104, servers 106, 108 ad 110, and a general reference numeral 100. Clearly, internet 104 and a general reference numeral 100 of Logan are not processing devices. Such vague reference does not indicate how the claimed features are anticipated and why Logan is relevant. For any further rejections using the Logan reference, Applicants respectfully request identification of structures of Logan believed to be relevant to the claimed invention so that they can make a meaningful assessment of their impact on patentability.

In general, what elements of Logan anticipate the first processing device? a second processing device? a third processing device? Recall that the claims recite that the first processing device sends traffic to the second processing device. The claims also recite that the third processing device receives data. The redundant hosting servers of Logan all store and send content; none receive or redirect as recited. These limitations prevent the teachings Logan from being used to anticipate the first, second and third processing devices as recited.

Moreover, specific limitations provided in the independent claims related to redirecting network traffic are not taught or remotely suggested by Logan.

For example, the Office Action uses an HTTP redirect (col. 5, lines 38-45) to anticipate independent claim 20 and all its limitations. An HTTP redirect does not teach "A method of facilitating redirection of traffic sent from a first processing device to a second processing device". The HTTP redirect chooses a new server (a new first processing device), and thus does not redirect the traffic already sent from the first processing device, as recited. An HTTP redirect also does not teach "allocating traffic portions to each traffic handling system based on the received traffic information" as recited in independent claim 20. The HTTP redirect of Logan evades a failed server. If the Office Action is using the servers of Logan to teach a traffic handling system (it is unclear), what traffic portion would be allocated to the failed server? Clearly, the servers of Logan are not intended to receive and redirect traffic, do not anticipate the routers and traffic redirection as recited in claim 20, and the HTTP redirect of Logan does not anticipate claim 20.

The Office Action also uses the same HTTP redirect (col. 5, lines 38-45) to anticipate independent claim 34 and all its limitations. Again, the HTTP redirect of Logan chooses a new server to send data. Claim 34 recites "receiving a redirected packet from a third processing device in a fourth processing device, wherein the third processing device has redirected the redirected packet from the second processing device to the fourth processing device; and returning the packet back to the third processing device for transmission to the second processing device, wherein the returning is performed by the fourth processing device." The Office Action implies that the failed server of Logan is used in anticipating independent claim 34 (again, it is unclear). Which processing device is the Office Action applying this failed server to? The processing devices in independent claim 34 are each operable. In addition, the servers of Logan do not redirect packets, particularly as recited in independent claim 34.

Independent claims 1, 40, 58, 72, 78, 79, 81 and 82 each include similar or additional network traffic redirection limitations. They are all rejected with the same seven lines from Logan. Namely, they are all vaguely rejected with an HTTP redirect (col. 5, lines 38-45). Independent claim 40 for example recites "receiving traffic information from at least a portion of the associated traffic handling systems, wherein the traffic information specifies which data should be redirected to the portion of associated traffic handling systems" and "receiving traffic redirection information from the designated traffic handling system, the traffic redirection information being based on the communicated traffic information." Neither of these limitations are taught or remotely suggested by Logan.

For at least these reasons, it is respectfully submitted that independent claims 1, 34, 40, 58, 72, 78, 79, 81 and 82 are not anticipated by Logan and are patentable.

Claims 2-33, 37-39, 41-57, 59-71, 73, 75-77 and 80 each depend directly or indirectly from independent claims 1, 34, 40, 58, 72 or 79, respectively, and are patentable over cited art for at least the reasons set forth above with respect to the independent claims. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art. For example, dependent claim 4 recites "in the third processing device, receiving a packet from the first processing device destined for the second processing device". Given that the independent claims are rejected using an HTTP redirect with a failed server, none of the operable limitations and processing devices recited in dependent claim 4 are taught by Logan.

The Office Action rejected claims 6, 11, 15-18, 26, 30-32, 35, 37-49, 54-56, 64, 68-71 and 75-77 under 35 U.S.C. 103(a) as being anticipated by Logan in view of US Patent No. 6,247,054 to Malkin (referred to herein as "Malkin").

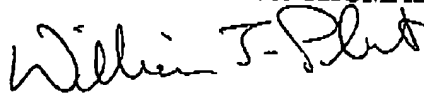
Malkin does not address deficiencies in the primary reference (Logan) with respect to the independent claims. Claims 6, 11, 15-18, 26, 30-32, 35, 37-49, 54-56, 64, 68-71 and 75-77 each depend directly or indirectly from independent claims 1, 34, 40, 58 or 72 and are patentable over cited art for at least the reasons set forth above with respect to the independent claims. Thus, the combination of Logan and Malkin does not render the claimed invention unpatentable.

For at least these reasons, withdrawal of the rejections under 35 USC §102 and 35 USC §103 are respectfully requested.

Conclusion

Applicant believes that all pending claims are allowable and respectfully requests early Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



William J. Plut
Limited Recognition under 37 C.F.R. §10.9(b)

P.O. Box 778
Berkeley, CA 94704-0778
510-843-6200